Introduced by Committee on Health and Welfare

Date:

Subject: Health; public health; statewide mask requirement

Statement of purpose of bill as introduced: This bill proposes to require all individuals two years of age and older to wear a mask or cloth face covering in public indoor spaces, subject to limited exceptions, until all counties statewide have a community transmission level below “substantial” as determined by the Centers for Disease Control and Prevention.

An act relating to a statewide mask requirement

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. STATEWIDE MASKING REQUIREMENT

(a)(1) Masks or cloth facial coverings shall be worn by all individuals two years of age and older, regardless of vaccination status, who are present in a public indoor space where there are members of more than one household present.

(2) Children at a child care facility as defined in 33 V.S.A. § 3511 shall not wear a mask or cloth face covering while napping.

(b) Notwithstanding subsection (a) of this section, an individual, or in the case of a minor, the individual’s parent or guardian, may choose not to wear a mask or cloth facial covering under any of the following circumstances:
(1) the individual has a physical or mental condition or disability that prevents the individual from wearing a mask or cloth facial covering, including individuals with a medical condition for whom wearing a mask or cloth facial covering could obstruct breathing or who are unconscious, incapacitated, or are otherwise unable to remove a mask or cloth face covering without assistance;

(2) the individual is receiving routine or preventative medical treatment that requires a health care provider to access the portion of the individual’s face that is otherwise covered by a mask or cloth facial covering;

(3) the individual is hearing impaired, or communicating with an individual who is hearing impaired, where the ability to see the mouth is essential for communication, and a transparent mask is either not available or its use is not practicable;

(4) for a limited time, to enable the individual to participate in a religious activity that would otherwise be restricted by the use of a mask or cloth facial covering;

(5) for a limited time, while the individual is eating or drinking or for identification purposes in compliance with safety and security requirements;

(6) when the individual is wearing a respirator; and

(7) where an employer has determined that an employee’s use of a mask or cloth face covering is infeasible or creates a greater hazard, such as when it is important to see the employee’s mouth for reasons related to job duties.
when the work requires the use of the employee’s uncovered mouth, or when

the use of a mask or cloth face covering presents a risk of serious injury or
dead to the employee.

(c) As used in this section:

(1) “Mask or cloth facial covering” means whenever possible a medical
procedure-or surgical-type mask made of multiple layers of nonwoven
polypropylene material; an N95, KN95, KF94, or similar grade mask; or a
more protective grade mask. A closely-fitted, non-medical cloth mask with at
least two layers, worn over an individual’s nose and mouth, is acceptable when

a preferred mask is not available.

(2) “Public indoor space” means any enclosed indoor area that is
publicly or privately owned, managed, or operated to which individuals have
access by right or by invitation, expressed or implied, and that is accessible to
the public, serves as a place of employment, or is an entity providing services.
“Public indoor space” includes public transportation conveyances, such as
busses, trains, and ride services, and when in a mass transportation station or
terminal, including airports. “Public indoor space” does not mean:

(A) an individual’s residence, including:

(i) a room in a motel or hotel;
(ii) a residence provided by or through a public or independent school as defined in 16 V.S.A. § 11 or a public or private postsecondary educational institution that operates in the State; and

(iii) a single- or double-occupancy cell at a correctional facility;

and

(B) a temporary structure.

(3) “Respirator” means a type of personal protective equipment that is certified by the National Institute for Occupational Safety and Health under 42 C.F.R. Part 84 or is authorized under an emergency use authorization by the U.S. Food and Drug Administration. Common types of respirators include filtering facepiece respirators, elastomeric respirators, and powered air purifying respirators.

(4) “Temporary structure” means a structure that is designed to be easily transported or dismantled after its function has been fulfilled and is not permanently attached to the ground or connected to utilities such as water, sewer, and electricity.

(5) “Vaccination status” means an individual’s history as it relates to having received or not received a vaccination for COVID-19.

(d) Statewide compliance with this section shall be required until all county’s community transmission levels are below “substantial” as determined by the Centers for Disease Control and Prevention for fourteen continuous
days. On a daily basis, the Department of Health shall post on its website the community transmission level for each county based on applying the Centers for Disease Control and Prevention guidelines to Vermont data.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.